UNITED NATIONS **S**

Security Council

Distr.
GENERAL

S/1998/1237
31 December 1998

ORIGINAL: ENGLISH

LETTER DATED 31 DECEMBER 1998 FROM THE CHAIRMAN OF THE SECURITY COUNCIL COMMITTEE ESTABLISHED PURSUANT TO RESOLUTION 748 (1992) CONCERNING THE LIBYAN ARAB JAMAHIRIYA ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I have the honour to transmit herewith the report of the Security Council Committee established pursuant to resolution 748 (1992) concerning the Libyan Arab Jamahiriya, containing an account of the Committee's activities since the beginning of 1998. The present report, which was adopted by the Committee on 21 December 1998, is being submitted in accordance with the note by the President of the Security Council of 29 March 1995(S/1995/234).

(Signed) Danilo TÜRK
Chairman
Security Council Committee established
pursuant to resolution 748 (1992)
concerning the Libyan Arab Jamahiriya

Annex

Report of the Security Council Committee established pursuant to resolution 748 (1992) concerning the Libyan Arab Jamahiriya

I. INTRODUCTION

1. The Committee adopted the present report on 21 December 1998. The purpose of the report is to present a factual summary of the Committee's activities during the calendar year 1998, in accordance with the transparency measures outlined by the President of the Security Council on 29 March 1995 (S/1995/234). During 1998, the Committee held 11 meetings and handled over 200 incoming communications relating to various aspects of the implementation of the mandatory sanctions, as well as a comparable number of replies.

II. SUMMARY OF THE COMMITTEE'S WORK

A. Guidelines of the Committee

2. The Committee's bureau, as elected at the Committee's 1st meeting of each year, consists of a Chairman and two Vice-Chairmen. The Chairman of the Committee is elected in his/her personal capacity for the calendar year, while two delegations are elected to provide the Vice-Chairmen for the year, all three constituting the bureau of the Committee. For 1998, the bureau consisted of Danilo Türk (Slovenia) as Chairman, with the delegations of Portugal and Gabon providing the two Vice-Chairmen.

B. Humanitarian flights

3. Pursuant to paragraph 9 (e) of resolution 748 (1992) of 31 March 1992 and at the suggestion of the United Nations resident coordinator at Tripoli, the Committee, at its 13th meeting, on 14 October 1992, approved special arrangements for emergency medical evacuation by air (MEDEVAC) from the Libyan Arab Jamahiriya. Instructions and procedures concerning the measures so approved by the Committee were transmitted to all States and international organizations on 16 October 1992.

4. At its 59th meeting, on 17 July 1995 (see SC/6070), the Committee approved further procedures and arrangements concerning the authorization and monitoring procedures for MEDEVAC flights from the Libyan Arab Jamahiriya, as well as the related issue of the maintenance and supply of spare parts for the predesignated four Libyan air ambulances, as an annex to the special arrangements for emergency medical evacuations by air from the Libyan Arab Jamahiriya, adopted previously at the Committee's 13th meeting, on 14 October 1992.

5. During 1998, the Committee approved 91 emergency MEDEVAC flights, while during 1997, 70 were approved.

6. On 19 March 1998, the Sanctions Committee issued a press release (SC/6488), in which, among other issues, the Committee reiterated its willingness to facilitate travel of Libyan pilgrims to the Haj as well as to continue to consider humanitarian exemptions from the sanctions regime. In this regard, special attention is being given to the readiness of the Committee to agree to replace Libyan air ambulances, upon consideration of the relevant International Civil Aviation (ICAO) assessment report.

7. At its 87th meeting, on 10 August 1998, the Committee considered two communications from the Libyan Arab Jamahiriya seeking approval for the purchase of three new air ambulances, and also examined an airworthiness report on the status of the existing four Libyan MEDEVAC aircraft prepared by ICAO. The Committee agreed with the view of ICAO, as stated in the report, regarding replacement of the aircraft, access to technical support and spare parts as required for the effective initial stage of operation, and approved the Libyan request in principle. Final approval of the request would be granted by the Committee upon receipt of all technical details regarding the aircraft to be purchased.

C. Violations

8. At its 82nd meeting, on 1 April 1998, the Committee considered the issue of an alleged violation on 29 March 1998 in which a Libyan-registered aircraft, transporting Libyan pilgrims to the Haj, performed an unauthorized flight to Jeddah, Saudi Arabia. At the meeting, the Chairman recalled the above press release of 19 March 1998, reiterating the Committee's willingness to facilitate the travel of Libyan pilgrims to the Haj, as well as to continue to consider humanitarian exemptions from the sanctions regime.

9. At its 83rd meeting, on 16 April 1998, after careful consideration of the above issue, the Committee decided to address a letter to the Permanent Representative of the Libyan Arab Jamahiriya, noting the above violation of paragraph 4 (a) of Security Council resolution 748 (1992) and calling on the Libyan Arab Jamahiriya to refrain from any further violation of the relevant resolutions.

10. At its 84th meeting, on 30 April 1998, the Committee reviewed two letters, dated 27 and 30 April 1998, from the Permanent Mission of Italy to the United Nations, addressed to the Chairman of the Committee, providing details of the flight of two privately owned Italian aircraft which landed at Tripoli on 24 April 1998 without the authorization of the Italian national authorities and the Committee. The Committee, after examining the facts pertaining to this incident, including action envisaged by Italian authorities against those responsible, addressed a letter to the Permanent Mission of Italy, expressing its appreciation for the information already received, as well as for the offer to keep the Committee abreast of any further developments regarding this matter.

11. At its 86th meeting, on 13 July 1998, the Committee reviewed a report dated 2 July 1998 from the United Nations Development Programme at N'Djamena, Chad, that a Libyan Airways Boeing 727 had landed at N'Djamena at 0030 hours on 23 June 1998 and departed at 1000 hours on the same day. The Committee

requested the Chairman to address letters to the Libyan Arab Jamahiriya and Chad, conveying its deep concern at the unauthorized flight, which it considered to be an unacceptable breach of the sanctions regime, and to remind both countries of their obligations under the relevant Security Council resolutions 748 (1992) and 883 (1993) of 11 November 1993.

12. At its 87th meeting, on 10 August 1998, the Committee considered a communication from the United States concerning numerous recent events of alleged flight violations of the sanctions regime on the Libyan Arab Jamahiriya. The Committee requested its Chairman to address letters to the Permanent Representatives of a number of African States (Burkina Faso, Chad, Eritrea, the Gambia, Guinea-Bissau, Mali and the Niger) in order to seek additional information regarding this issue and to report back to the Committee.

13. At its 88th meeting, on 17 September 1998, the Committee considered a communication from the United States of America and from United Nations sources concerning numerous recent events of alleged flight violations of the sanctions regime on the Libyan Arab Jamahiriya. The Committee requested its Chairman to address letters to the Permanent Representatives of a number of Member States (Chad, the Democratic Republic of the Congo, the Gambia, the Libyan Arab Jamahiriya, Mali, the Niger, Nigeria, the Sudan and Tunisia) in order to seek additional information regarding this issue, and to report back to the Committee.

14. At its 89th meeting, on 26 October 1998, the Committee considered several cases of alleged and admitted violations of the air embargo against the Libyan Arab Jamahiriya, and the fact that some Members had invoked the decision of a regional organization as overriding Security Council resolutions. The Committee sent letters to the Member States concerned (Burkina Faso, Chad, Eritrea, Mali, the Niger and the Sudan), reminding them of Article 103 of the Charter and of their obligations under Security Council resolution 748 (1992), and noting that the flights in question were unacceptable breaches of the sanctions regime.

III. OTHER ISSUES

15. At the 3920th meeting of the Security Council, on 27 August 1998, the Security Council adopted resolution 1192 (1998), in which, inter alia, the Council reaffirms that the measures set forth in resolutions 748 (1992) and 883 (1993) remain in effect and binding on all Member States; also reaffirms the provisions of paragraph 16 of resolution 883 (1993); and decides that the aforementioned measures shall be suspended immediately if the Secretary-General reports to the Council that the two accused with the bombing of Pan Am flight 103 have arrived in the Netherlands for the purpose of trial before the court described in paragraph 2 of resolution 1192 (1998), or have appeared for trial before an appropriate court in the United Kingdom of Great Britain and Northern Ireland or the United States, and that the Libyan Government has satisfied the French judicial authorities with regard to the bombing of UTA 772 (SC/6566).

16. On 16 September 1998, the Security Council, at its 3927th meeting, adopted resolution 1196 (1998), in paragraph 3 of which it requests Security Council Committtees to include in their annual reports a section on implementation, strengthening and violations of arms embargoes. The Committee has no relevant substantive information to report in this regard.